

FILED
02-24-2022
Anna Hodges
Clerk of Circuit Court
2022CV001224
Honorable Hannah C.
Dugan-31
Branch 31

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

GAIL CROCKETT
1826 N. 26th St.
Milwaukee, WI 53205,

Plaintiff,

Case No:
Case Code: 30107

UNITEDHEALTHCARE OF WISCONSIN, INC.
by its registered agent
CT Corporation System
301 S. Bedford St., Ste. 1
Madison, WI 53703, and

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
by its registered agent Xavier Becerra
c/o U.S. Attorney's Office
517 East Wisconsin Avenue
Milwaukee, WI 53202,

Involuntary Plaintiffs,

VS.

WALMART, INC.
by its registered agent
CT Corporation System
301 S. Bedford St., Ste 1
Madison, WI 53703,

Defendant.

SUMMONS

THE STATE OF WISCONSIN to each person named above as a Defendant:

YOU ARE HEREBY NOTIFIED that the Plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within forty-five (45) days of receiving this Summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the Court, whose address is Milwaukee County Courthouse, 901 North 9th Street, Milwaukee, Wisconsin

53233, and to PHILLIPS & CYMERMAN, S.C., attorneys for plaintiff whose address is 161 West Wisconsin Avenue, Suite 5000, Milwaukee, Wisconsin 53203. You may have an attorney to help or represent you.

If you do not provide a proper answer within forty-five (45) days this Court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. Judgment awarding money may become a lien any real estate you now own, or may own in the future, and may also be enforced by garnishment or seizure of property.

Dated at Milwaukee, Wisconsin this 24th day of February, 2022.

PHILLIPS & CYMERMAN, S.C.
Attorneys for Plaintiff

P.O. ADDRESS:
161 West Wisconsin Avenue
Suite 5000
Milwaukee, WI 53203
Ph: 414.271.4262
Fax: 414.271.6548

Electronically signed by Emily D. Davey
Emily D. Davey
State Bar No. 1037719

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Defendant.

COMPLAINT

NOW COMES the plaintiff, Gail Crockett, by her attorneys Phillips & Cymerman, S.C., and as and for her complaint against the defendant states as follows:

1. That plaintiff, Gail Crockett, is an adult citizen with a current residence at 1826 North 26th Street, Milwaukee, Wisconsin, 53205.
2. That involuntary plaintiff UnitedHealthcare of Wisconsin, Inc. (hereinafter "UnitedHealthcare") is a domestic insurance company, with a registered agent CT Corporation System and offices located at 301 South Bedford Street, Suite 1, Madison, Wisconsin, 53703; that UnitedHealthcare is, among other things, in the

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business of providing healthcare insurance coverage to subscribers; that at all times pertinent hereto, UnitedHealthcare may have provided healthcare insurance coverage to plaintiff; that it may have paid certain medical bills on behalf of plaintiff as a result of the accident that is the subject of this action; therefore the existence of these payments makes UnitedHealthcare a necessary party herein.

3. That involuntary plaintiff U.S. Department of Health and Human Services (hereinafter "Medicare") is a political corporation with a registered agent Xavier Becerra, care of the local office of the U.S. Attorney, 517 East Wisconsin Avenue, Milwaukee, Wisconsin 53202; that Medicare is, among other things, in the business of providing healthcare insurance coverage to subscribers; that at all times pertinent hereto, Medicare may have provided healthcare insurance coverage to plaintiff; that it may have paid certain medical bills on behalf of plaintiff as a result of the accident that is the subject of this action; therefore the existence of these payments makes Medicare a necessary party herein.
4. That defendant Walmart, Inc. (hereinafter "Walmart") is a self-insured retail corporation with a registered agent CT Corporation System, and offices located at 301 South Bedford Street, Suite 1, Madison, Wisconsin, 53703; that at all times pertinent hereto, Wal-Mart owned, operated, and was conducting business open to the public at 401 East Capitol Drive, Milwaukee, Wisconsin, 53212, and was, therefore, responsible for the maintenance of the premises; that said premises were a place of employment within the meaning of §101.01(11) of the Wisconsin Statutes.
5. That on or about December 26, 2020, in the City and County of Milwaukee, State of Wisconsin, plaintiff Gail Crockett was lawfully on the aforementioned premises of defendant Walmart; that plaintiff was a frequenter within the meaning of Section 101.01(6) of the Wisconsin Statutes and was owed a duty of care under said statute; that while in the store, plaintiff stepped on an unsecured piece of cardboard signage and fell to the ground, causing injury.
6. That defendant Walmart operated the retail store location at 401 East Capitol Drive, Milwaukee, Wisconsin, 53212, for use by the public; that defendant was responsible for insuring safe conditions and proper maintenance of the store; that defendant Walmart knew or should have known of the unsafe condition posed by the negligently stacked signage; that defendant was negligent in the care and maintenance of its premises, causing injury to the plaintiff.
7. That this accident was caused by the negligence of the defendant Walmart in:
 - a. failing to exercise ordinary care in maintaining the premises in a reasonably safe manner;
 - b. failing to adequately inspect the premises and correct potentially hazardous or unsafe conditions;
 - c. failing to inspect, maintain, and repair the property to ensure the safety of

- frequenters;
- d. failing to warn plaintiff of potentially hazardous or unsafe conditions;
 - e. failing to maintain a place of business and employment as safe as the nature of the place would reasonably permit, in violation of Section 101.11 of the Wisconsin Statutes;
 - f. failing to adopt and use method and processes, and to furnish safety devices and safeguards, all of which are reasonably adequate to ensure the safety of frequenters of the premises, in violation of Section 101.11 of the Wisconsin Statutes;
8. That due to the accident that was caused through the negligence of the defendant, plaintiff Gail Crockett was injured in that she sustained injury to her neck, back, right shoulder, forearm, elbow, wrist, hip, thigh, and knee; that she required and continues to require medical attention for the same; that she was responsible for the cost thereof; that she had and continues to have pain and suffering; that she may have sustained a permanent injury; that her enjoyment of life has been restricted; all of which was caused by the negligence of the defendant.

WHEREFORE, plaintiff Gail Crockett demands judgment against the defendant for compensatory damages, attorneys fees, costs, and such further relief as the court may deem just and equitable.

Dated at Milwaukee, Wisconsin this 24th day of February, 2022.

PHILLIPS & CYMERMAN, S.C.
Attorneys for Plaintiff

P.O. ADDRESS:
161 West Wisconsin Avenue
Suite 5000
Milwaukee, WI 53203
Ph: 414.271.4262
Fax: 414.271.6548

Electronically signed by Emily D. Davey
Emily D. Davey
State Bar No. 1037719

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE

Gail Crockett et al vs. Walmart, Inc.

Electronic Filing
Notice

Case No. 2022CV001224

Class Code: Other-Personal Injury

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UNITEDHEALTHCARE OF WISCONSIN, INC.
301 S. BEDFORD ST., STE. 1
CT CORPORATION SYSTEM
MADISON WI 53703

Case number 2022CV001224 was electronically filed with/converted by the Milwaukee County Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. There is a \$20.00 fee to register as an electronic party. This fee may be waived if you file a Petition for Waiver of Fees and Costs Affidavit of Indigency (CV-410A) and the court finds you are indigent under §814.29, Wisconsin Statutes.

If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

Pro Se opt-in code: 5891c5

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 414-278-4120.

Milwaukee County Circuit Court
Date: February 24, 2022

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517 E. WISCONSIN AVE.
U.S. ATTORNEY'S OFFICE
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Milwaukee County Circuit Court
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SERVED PERSONAL SUBSTITUTE

AT 10:40 AM THIS SUN DAY OF March 2020
AT THE CITY OF MADISON

BY KALVIN D. BARRETT
[Signature] # 703
Deputy Sheriff